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CRIME AND DISEASE¹

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In my presidential address before the American Medical Association last June, I showed by evidence collected from most diverse sources and extending from the earliest historical records to the present time that in epidemics man, in the mass, reverts to the savage state. I will not repeat the facts collected in that paper, but will refer all interested in this subject to my address given at Atlantic City. I believe that the statements made at that time will bear the most critical study. The present contribution should be regarded as an addendum to my former paper. What can be said about the relation between crime and disease in this country at this time?

This is an important question and one that seriously concerns our national welfare. Unfortunately the reliable data available leaves much to be desired. It is a question which should be answered, if at all, with the greatest care. In the first place, both disease and crime are difficult to define. Any marked departure from the physiological normal may be included under the term disease. It must be understood that the mortality and morbidity rates are not necessarily the same. The former gives no indication of the extent to which idiocy, imbecility, and feeble-mindedness exist. Because the inmates of prisons eat well, are strong in muscle, suffer but little from the acute diseases, and live long is no indication that they are physiologically sound. It merely shows that they are protected from the acute infectious diseases, and that these causes of death have been markedly diminished during the past thirty years is abundantly demonstrated. The death rate during this time has been reduced from twenty to fourteen per thousand and this holds good for both the honest and the dishonest. In fact, those under prison discipline and control have been protected from the infections more easily and certainly than the public at large. The water and food supplies of our penal and reformatory institutions have been guarded more scientifically than those of our villages and cities, while the isolation of prisoners protects them from the infectious diseases in general. The inmates of our penitentiaries are better protected from infection than are our school children, laboring men and the public at large. It follows from this that we cannot employ mortality rates in comparing the health of social delinquents with that of normal men.

While a definition of disease is difficult, that of crime is more so. In a broad sense, crime may be defined as behavior which is detrimental to the public good. The state specifies certain acts as harmful and provides penalties against those who indulge in them. In doing this the state standardizes the punishment to fit the enormity of the act. In this way crime becomes the violation of the law. In the different stages of intelligence through which man has passed, the laws

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have varied widely. An act regarded at one time as criminal may under different conditions or by a different people be considered a virtue. It follows that the laws are an index of the moral intelligence of the people. A healthy, growing nation is one in which there is the greatest unanimity in ideals and purposes with a willingness to make personal advantages subservient to the public good. A decadent people is one in which the individual seeks self-advancement with a disregard of the rights and privileges of others. In the former the citizen thinks first of his duty while in the latter he is constantly demanding his rights.

What is the evidence of the existence of crime in this country at this time? If we turn to statistics to answer this question, the result is not pleasing. In a recent paper before the American Statistical Society, Hoffman states: "Our judicial statistics are, unfortunately, rather unsatisfactory and inconclusive. The statistics of prisoners, as ascertained by the census, are fairly trustworthy since 1850. In that year the ratio of prisoners to every one hundred thousand inhabitants was 29.0, which by 1860 had increased to 60.7, by 1870 to 85.3, by 1880 to 131.5. The latest figures are for the year 1910 when the ratio was 121.4, but the question may be raised as to whether there has not been an actual increase, when full allowance is made for probable omissions of certain classes of prisoners considered in the previous enumerations. Our statistics of crime, as far as they can be relied upon, indicate that matters have not improved, but rather to the contrary, that there is a tendency toward an increase in lawlessness as best indicated perhaps in the statistics of homicides of American cities. Combining the statistics of deaths from homicide for the two cities of Boston and New York, it appears that the ratio for 1839-43 was twenty-three per million of population and fifty-three for 1908-12. For thirty American cities during the last thirty years, the homicide ratio has been forty-nine per million for the first and second decades and seventy-five per million for the third."

Judge Wier says that in this country "250,000 persons whom the law never touches are engaged in the systematic pursuit of crime. There are four and one-half times as many murders for every million of our population today as there were twenty years ago. Ten thousand persons are murdered in this country every year and of the murderers only two in every hundred are punished."

I desire to avoid extreme statements but I am trying to make a diagnosis and purpose to propose a line of treatment. In order to do this, we must first ascertain the nature of the disease and the extent of involvement. In the first place, inquiry into the causes should be made. No less an authority than ex-President Taft thinks that the prevalence of crime is largely due to defective administration of the criminal law. He says: "It is not too much to say that the administration of criminal law in this country is a disgrace to our civilization, and that the prevalence of crime and fraud, which is here great-

ly in excess of that in European countries, is due largely to the failure of the law and its administrators to bring criminals to justice."

Tarde in his valuable work on Penal Philosophy furnishes much information concerning the factors determining the prevalence of crime. He says: "The moral sense has an organic base (which does not necessarily mean to say a cerebral *place*) and consequently its disappearance or its deadening can only be explained by means of a gap or a lesion, by an atrophy or an injury to the brain, or by an imperfect nutrition of its cells; by some misfortune in other words." He thinks that heredity plays an enormous role in the production of crime and quotes the telling statistics of Marro on this subject. He says: "One has been thrust into it (crime) from birth; this is the ordinary case. The majority of murderers and notorious thieves began as children who had been abandoned, and the true seminary of crime must be sought for upon each public square or each crossroad of our towns, whether they be large or small, in those flocks of pillaging street urchins who, like bands of sparrows, associate together, at first for murauding, and then for theft, because of a lack of education and food in their homes." He lays stress upon the instinct of imitation and adds: "And must we not, unfortunately, recognize the fact that from the out and out criminal to the honest merchant we pass through a series of transitions, that every tradesman who cheats his clients is a thief, that every grocer who adulterates his wine is a poisoner, and that, as a general thing, every man who misrepresents his merchandise is a forger?" He points out that crime increases in times and countries where opportunities to get rich quick prevail. The progress and success of greed leads many to model themselves "*per fas et nefas* after those who have enriched themselves." The mobility of our population has favored the growth of crime. When men get away from the community in which they are best known and are brought into conditions wholly new to them, moral restraint looses its hold on them. The rush to urban centers from rural life upsets many. The ease with which social and political preferment is secured by wealth sets a disastrous example. In the middle ages, one of the most lucrative forms of swindling was the selling of false relics and indulgences, now it is the selling of fictitious stock. The probability of escaping punishment is undoubtedly a powerful factor in increase of crime. The inefficiency of our methods of criminal procedure must be evident. In many cases of criminal prosecution the judge is hardly more than a weak umpire in the legal contest. Of the jury trial, Tarde says: "Its unfitness is being shown, its contradictions and blunders are being laughed at; it is being treated just as men began to treat the Sybil with its rebus which was no more incomprehensible than certain verdicts in later times. There is no rascal who fears it any more, and no honest man who respects it."

It must be admitted that all the factors mentioned above and many more have played a part in the increase of crime in this country during the present generation. The man who is detected in picking a

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pocket may be punished, but how many men have enriched themselves by selling worthless stock by false representations? The mother who intentionally poisons her child by the administration of an opiate may be tried and convicted, but how many children have been killed by drugged soothing syrups and how many manufacturers and venders of these poisons are now behind prison bars? Only a small percent of the cocaine and opium preparations annually used in this country can be legitimately accounted for. Under promises of cure of tuberculosis and other diseases, alcoholic and opiate nostrums still have a large sale.

Goddard concludes that at least fifty percent of all criminals are mentally defective. Among Juvenile offenders the percent is often found to be much higher, in some as great as eighty. The Mass. Commission for the investigation of the White Slave Traffic found fifty-one percent of three hundred prostitutes feeble-minded, and all doubtful cases were put in the normal list, although many of these were of low intelligence. "Some of the women seen at the detention house were so under the influence of drugs or alcohol as to make it impossible to study their mental condition. . . . These drunken, alcoholic and drug stupified women were all recorded as normal."

It must be admitted that every feeble-minded, alcoholic and drug addicted person is a potential criminal. Still the making of these classes and their growth and multiplication proceed under the protection of the law. The feeble-minded child is not born a criminal. He is born too weak in mind to take care of himself in a proper manner under the complex social conditions in which he finds himself.

We should be most concerned with the prevention of crime. This is of more importance than the reformation of the criminal. Its breeding places should be discovered and disinfected. In harmony with Mosby, I believe that the eradication of crime is a medical or a sanitary question. The procedure must be authorized and sustained by the law; but the methods and agencies must be those of preventive medicine. My purpose in preparing this paper is to suggest a plan for eradicating at the same time and by the same agencies both disease and crime. The greatest factor in preventive criminology must lie in the recognition of the potential criminal and surrounding him with conditions which will prevent his potentiality from developing into actuality. At present, the law has no hold upon him until he has committed some crime and it often happens that he commits many crimes, which are likely to grow in enormity, before the law can fasten on him. As he grows in crime he infects his associates and begets his kind. Moreover, on account of the serious defects in our methods of criminal procedure the hold that the law gets even on the hardened criminal is a loose one from which he escapes in a large percent of cases.

My plan provides for a full time intelligent health commissioner in each city of twenty thousand or more and for every county of thirty thousand or more. He shall have a laboratory equipped for

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the examination of water, food, blood and everything that may be involved in a medico-legal investigation. He will have as his assistants competent inspectors who can report not only on public sanitation but can go into any home, advise, assist, coerce if necessary, in the removal of unsanitary conditions. Much of this work can be best done by properly trained women. Even in this favored land there are thousands of homes in which conditions are such that it is as impossible for the children in them to grow into good citizens as it is for oranges to grow in arctic regions. Some of these untoward circumstances are due to poverty, others to ignorance, and others still to vice. The children of such homes grow up to fill our almshouses, institutions for the defective, insane asylums, reformatories and prisons. These breeding places of disease, ignorance and crime must be located, quarantined and disinfected. At present we permit disease, ignorance and crime to breed in our midst and the normal man is compelled to support their progeny and in doing so he pays not only in time, money and energy, but often with his life. The thriftless village up the river pollutes the water of the city with the typhoid bacillus. The ignorant milkman slaughters the innocents with his germ laden product. The ignorant and unteachable consumptive scatters far and wide the seeds of his disease. The gilded palace of prostitution in the city entices the farmer's sons into the gates of hell. The good intentioned but untaught mother poisons her children with infected food and dust laden air. The father spends his wages in drink, becomes a brute at home, pauperizes his family, and begets defective children. The son becomes a loafer, follows his father to the dram shop, and goes on the straight road to crime. The daughter, probably defective through inheritance, sells her person for tawdry raiment and spends the short remnant of her life in trafficking in vice and disease. These and many other evils flourish and come to fruition in this country at this time. What is the result? For every time the clock strikes the hour, day and night through all the seasons, year after year, a murder is committed in this fair land. Our almshouses, insane asylums and prisons are not large enough to accommodate the delinquents. The police of our cities are busy with criminals and no rural community is long free from them.

Every home must be open to the sanitary inspector. In many of those in which she is not needed, she will learn something that will help her elsewhere. In those in which she is needed she will prove the greatest factor in race betterment the world has ever known. To the honest and deserving poor she will carry material aid. To the ignorant who are willing to learn, she will carry the light of knowledge. To the vicious, she will direct the powers of legal compulsion. To some extent, noble, self-sacrificing women are, even now, doing work of this kind, but the function should be assumed by the state and universally extended. No one, save the women thus engaged, have any adequate knowledge of the social conditions existant today in certain strata. No one else can realize how far we are from real civilization and how close we are to barbarism. These women come

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daily under clouds of superstition and ignorance as dense as those that shrouded the earth in the dark ages.

This work to be most effective must be a part of the health machinery. The courts have decided that health administration is a matter of police control. For sanitary inspection every man's house may be entered and examined. It should not be necessary to wait until some offense has been committed before a visit can be made. This vitiates the whole thing. The sanitary inspector should visit every home at intervals and defective ones as frequently as may be desirable.

This work should be directed and regulated by specially trained jurists. Both the physician and the administrator of the law will need a training not given today in our medical or law schools. They must be learned in criminology. Our universities must provide forensic institutes in which the abnormal, defective and criminal can be studied. The methods of criminal procedure must be greatly modified and the jury must be replaced by a bench of trained psychologists. The object should be the prevention of the development of the criminal so far as possible and those who grow up in spite of these efforts should be eliminated in the most humane way and their reproduction rendered impossible. I quite agree with Tarde who holds that the criminal is not the product but the excrement, of civilization and this is true whether he picks a pocket or steals a railroad.

However, preventive medicine in order to render its highest service to man, must go much farther than I have so far indicated. Every individual should undergo a medical examination at least once a year. This should be as thorough as that demanded for the largest policy in the best life insurance company. The effective wealth of a nation lies in the health and intelligence of its citizens. Each sound inhabitant is an asset, every defective is a burden. Before the coming of the white man, the territory now covered by our nation on this continent gave bare and precarious subsistence to a few thousand inhabitants, now it feeds, clothes and furnishes with the necessities of life nearly one hundred millions besides feeding other millions on its excess. In the centuries to come, its material production must be multiplied many times. This can be secured only by growth in intelligent effectiveness. The nation must protect itself from the breeding and multiplication of the unfit. This must be done in a scientific and humane way and I know of no other than the one here suggested. It strikes at the root of the matter and is just to all. These examinations must be official and the results recorded. No two consecutive examinations should be made by the same physician in order that there may be no collusion between the examined and the examiner, and furthermore, that an infirmity overlooked by one physician may be detected by another. These examinations must be made at state expense, because the primary object is for the public good and the rich and poor should be treated alike. There should be opportunity for appeal from the findings of one official and in such cases the matter should be referred to a board of expert diagnosticians. Those unfit

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to propagate should be so placed that this function is impossible. Those with transmissible diseases should be so guarded, so long as they remain in this state, that no one will be endangered by them. Those whose infirmity affects only themselves should have the best treatment possible. If able to pay for this service, they should be permitted to select their own medical attendance, otherwise the State should provide it. Some may say that this is rank Socialism, but if so it is of the best kind and will save from both anarchy and the slow degeneration which tends to grow in every country. It puts emphasis on our national health which is the most valuable asset a people can have. The good will profit by it, multiply and possess the earth. The evil will be eliminated in the most humane way. The young alcoholic will be stopped in his downward path, while the old and confirmed will be so placed that he cannot beget degenerates. The syphilitic husband will no longer infect his wife and pass his curse on to the next generation. The normal citizen will have his life of usefulness prolonged and his effectiveness for good multiplied. We have heard too much about individual rights and liberties and too little about personal responsibilities and duties. No man can limit his sins to their effect upon himself. "No man liveth to himself alone." Every man is to some extent at least his brother's keeper. A nation is an aggregation of individuals for the purpose of mutual helpfulness and there should be no room in it for those whose lives are harmful to the best interests of the whole.

At peace with all nations, in the enjoyment of a domestic prosperity never before known, the malignant growths of greed and degeneracy are feeding on our vitals. Shall we submit to the surgeon's knife and be made sound or will we enjoy the present as best we can and leave the future to our children?